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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,515	10/12/2001	Hans-Georg Baumgarten	1454.1085	9789

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EXAMINER

SUAZO, RAINIER A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/913,515

Applicant(s)

BAUMGARTEN ET AL.

Examiner

Rainier Suazo

Art Unit

2144

-- The MAILING DATE of this c mmunication appears n the c ver sheet with the c rrespondence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/15/2001.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. Claims **1-20** presented for examination.

Preliminary Amendment

2. The preliminary amendment filed on 10/12/2001 was entered.

Objections

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed, for example indicating the use Global Positioning System or Navigation System.

Claim Rejections - 35 USC § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Behr et al. (U.S. Patent Number **5,543,789**), hereinafter referenced to as Behr.

Behr taught systems and methods for providing route guidance information from a base unit (first computer) to a remote unit (second computer) in response to a request from the remote unit. The remote unit may be a mobile or a fixed computer that formats the request for route guidance; the request is fulfilled at the base unit by calculating the response using a database located therein. The response is transmitted to the base unit for display. See **abstract**.

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Regarding claims **1, 13 and 14**, Behr taught a method/system for retrieving data, comprising: a) coupling a first computer to a second computer via a communication link; b) determining a location information for the second computer; c) retrieving data relevant to the location information by the first computer, using information from the second computer; d) adapting/updating/tracking the location information on the first computer based on the site of the second computer (**abstract, fig. 1-2, column 2 lines 50-64, column 8 lines 17-24 and column 11 lines 5-12**).

Regarding claims **2, 3, 15 and 16**, Behr taught the location determination using radio frequency triangulation (cell oriented) or in response to signals from satellites (**column 1 lines 32-36**).

Regarding claim **4**, Behr taught a system and method wherein during retrieval of data, the first computer provides data which are relevant to the location information (**column 4 lines 35-44**).

Regarding claims **5 and 17**, Behr taught a system and method wherein the remote unit (second computer) is a mobile (wireless) unit (**column 2 line 51**).

Regarding claim **6**, Behr taught 4, a method and system wherein during retrieval of data, the first computer provides data which are relevant to the location information ("within a specified distance of an origin) (**column 4 lines 36-44**).

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Regarding claims **7 and 18**, Behr taught a method and system retrieving data from a group of classes ("organized according to different parameters") (**column 4 lines 6-19**). Note that the particular classes by itself are not inventive and are more likely provided for convenience of the end user.

Regarding claims **8 and 19**, Behr taught a method and system wherein the data is provided by service providers within the network in the form of "other information providers" (**fig.1 [82] and column 9 lines 47-55**).

Regarding claim **9**, Behr taught a method and system wherein a plurality of first computers (remote units) are connected to one another via a network (**column 2 lines 41-45 and column 8 lines 7-11 [the teaching of the use of a TCP/IP network inherits the interconnectivity among clients]**).

Regarding claims **10, 11 and 20**, Behr taught a method and system providing distance calculation and directions (route) to particular places (**column 3 lines 7-10, column 4 lines 6-19 and column 55-58**).

Regarding claim **12**, Behr taught a method and system wherein the location associated with the data retrieved is indirectly determined based on the retrieved data (**column 9 lines 22-46 and column 12 lines 37-52**).

5. Since all the limitations of the claimed invention were disclosed by Behr, claims **1-20** are rejected.

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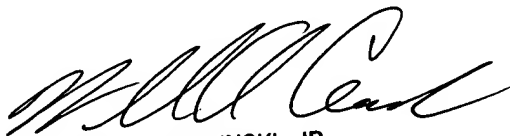
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 for details.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931. The examiner can normally be reached on Monday through Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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